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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group: 2623
Confirmation No.: 1376
Application No.: 09/844,413
Invention: TESTING INSTRUMENT
Applicant: Brett W. Emsley et al.
Filed: April 27, 2001
Attorney
Docket: 6573-68375
Examiner: Joseph G. Ustaris

Certificate Under 37 CFR 1.8(a)

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on August 16, 2006
Kim Tyree
(Signature)

Kim Tyree
(Printed Name)

RESPONSE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

These remarks are submitted in response to the May 16, 2006 official action. The Examiner withdrew the allowability of claims 11, 12, 27 and 28 indicated in the January 26, 2006 Official Action. The Examiner rejected claims 11, 12, 27, 28, 35, 36, 42-47 and 51-58 based upon the combination of Budinger U. S. Patent 6,802,032 (hereinafter Budinger), Chappell U. S. Patent 6,425,132 (hereinafter Chappell) and Valliani et al U.S. Patent 6,234,389 (hereinafter Valliani).

The Examiner relied upon Budinger to teach

“an instrument for ‘testing a CATV network’ (See Fig. 1, handheld computer 50A or 50B; column 4 lines 30-35). The computer has ‘an input port for receiving first information from the network’ where the computer receives and processes status